

## **REMARKS**

Claims 1 and 2 have been amended, no claims have been cancelled, and no new claims have been added. Claims 1-5 are pending.

### ***Interview Summary***

A telephone interview was held between Examiner Arnold Kinkead and the undersigned on March 7, 2011. The basis of the rejection of claim 1 was discussed. Examiner Kinkead explained that when the PLL of Black (US 6,157,271) slews between two frequencies (driven by the output of the controller via the DAC), there is a period when the loop is unlocked and phase comparison signal is unable to control the frequency of the VCO. Thus the normal function of the phase comparison signal is “disabled” due to an action of the controller and subsequently “enabled” when the loop reestablishes lock. Thus Examiner Kinkead interprets claim 1 to read on the PLL of Black.

Possible claim amendments were discussed in general terms without agreement on specific claim language. The undersigned suggested amending the claims to recite that the phase difference signal is disabled and enabled within the phase detector. Examiner Black indicated that such amendment may overcome the presently cited prior art, but would necessitate additional search.

### ***Allowable Subject Matter***

The Examiner objected to claims 3-5 as depending upon a rejected base claim, but allowable if rewritten in independent form including all limitations of the base claims and any intervening claims. The indication of allowable subject matter is greatly appreciated.

### ***Claim Rejections - 35 USC § 102***

The Examiner rejected claims 1 and 2 under 35 USC § 102(b) as anticipated by *Black et al.* (US 6,157,271). This rejection is respectfully traversed.

The fundamental principle of claim rejections under 35 USC § 102 is stated in MPEP §2131 as follows:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.

*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 1 has been amended to recite that the controlling unit switches the phase comparator between a first state in which the phase comparator outputs a phase difference signal and a second state wherein the phase difference signal is disabled and not output from the phase comparator. It is respectfully submitted that Black does not describe such a configuration. At most, Black describes that, during a transient period of open loop control, a phase difference signal may be ineffective to control the frequency output from a PLL. However, the phase difference signal is still output from the phase comparator during the open loop period. In contrast to the recitation of claim 1, Black does not describe that the phase comparator is inhibited from outputting the phase difference signal.

Since *Black* does not expressly or inherently describe “a controlling unit that switches, at a predetermined timing, the phase comparator between a first state where the phase difference signal is output from the phase comparator and a second state where the phase difference signal is disabled and not output from the phase comparator”, it is respectfully submitted that claim 1 and depending claims 2-5 are allowable. Withdrawal of the rejection is solicited.

***Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel***

Any reference herein to “the invention” is intended to refer to the specific claim or claims being addressed herein. The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent

application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

### ***Conclusion***

It is submitted that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

The Examiner's consideration of the references of record is appreciated. It is presumed that the Examiner has considered the entire disclosure of each of the references of record with respect to anticipation (individually) and obviousness (in any combination).

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

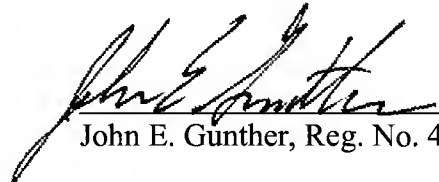
The Examiner is invited to call the undersigned registered practitioner to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

References to "Applicant" herein are to the assignee of record, which the undersigned represents. An assignment has been recorded, and a Statement of Ownership and a General Power of Attorney have also been filed. Thus, the rights of the original Applicants/inventors have been excluded.

With respect to this filing, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 503456. Please consider this paper to be a petition for extension of time, if necessary.

Respectfully submitted,

Date: March 16, 2011



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